



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,040	06/15/2004	Ing-Jer Chiou	12340-US-PA	4039

31561 7590 07/07/2006

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE  
7 FLOOR-1, NO. 100  
ROOSEVELT ROAD, SECTION 2  
TAIPEI, 100  
TAIWAN

EXAMINER

VERDIER, CHRISTOPHER M

ART UNIT PAPER NUMBER

3745

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/710,040	CHIOU ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Christopher Verdier	3745	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Applicant's amendment dated April 11, 2006 has been carefully considered but is non-persuasive. The specification has been amended to correct the informalities set forth in the previous Office action. The claims have been amended to overcome the objections to the claims. Claims 3 and 8 have been amended to overcome the rejections under 35 USC 112, second paragraph. Correction of these matters is noted with appreciation.

With regard to Lin 6,751,097, Applicant has argued that Lin fails to teach, disclose, or suggest that each fin has a plurality of first protruding sections protruding from a surface of the fin as recited in claim 1, because item 23 of Lin is a bridge section. Applicant's arguments, see page 2, last paragraph, filed April 11, 2006, with respect to Lin 6,751,097 have been fully considered and are persuasive. The rejection of claims 1, 3, and 11-12 under 35 USC 102(e) as being anticipated by Lin 6,751,097 is withdrawn.

With regard to Miyahara 6,439,299, Applicant has amended independent claim 1 to recite that each of the fins has a long strip shape of uniform width, and has argued that in Miyahara, the plate-like members are of an L-shape, and can have a J-shape, a U-shape, or an I-shape, which does not read on each of the fins having a long strip shape of uniform width. This argument is not persuasive, because although Applicant is correct in that figures 1-4 of Miyahara do not disclose this feature, figure 9 of Miyahara shows that the plate members 10-14 have a long strip shape of uniform width.

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Amended claim 1, which recites that each of the fins has the long strip shape of uniform width, has no antecedent basis in the specification.

### ***Claim Objections***

Claims 5 and 9 are objected to because of the following informalities: Appropriate correction is required.

In claim 5, lines 1-2, "each of the fins is shaped into a long strip and" should be deleted, since this feature is previously recited in claim 1.

In claim 9, lines 1-2, "each of the fins is shaped into a long strip and" should be deleted, since this feature is previously recited in claim 1.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

Art Unit: 3745

claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyahara 6,439,299 in view of Lin 6,751,097. Miyahara (figure 9, which pertains to a modification of the second embodiment of figures 5-6) discloses a fan module substantially as claimed, comprising a casing 1/16, having an unnumbered mounting space near 15, an air inlet near 2 and an air outlet 18, wherein the air inlet and the air outlet are linked through the mounting space, a fan 4, disposed within the mounting space, and a plurality of fins 10-14, each having a long strip shape of uniform width, disposed across the air outlet and laid parallel to each other, wherein each fin has a plurality of unnumbered first protruding sections near 9 (similar to those adjacent to and connected to element 8 in figure 6) protruding from a surface of the fin for separating neighboring fins from each other, and the fins partition the air outlet into a plurality of narrow slots. As seen in figure 9, an inner wall of the casing at the air outlet separates from the nearest fin near 9 through the first protruding sections 9 to form another narrow slot. Each of the fins has a rectangular shape and the first protruding sections (near 7 and 9 in figure 9) are located at each end of the corresponding fin. The first protruding sections are also located in the middle of the corresponding fin near 8 in figure 9. Each of the fins further comprises a plurality of second protruding sections (near 7 in figure 9) protruding from another surface (the surface spaced away

Art Unit: 3745

from element 9) of the corresponding fin, which is opposite from the surface of the fin that separates neighboring fins from each other. As seen in figure 9, the inner wall of the casing at the air outlet separates from the nearest fin near 7 through the second protruding sections to form another narrow slot. Each of the fins is shaped into a long strip and the second protruding sections (near 7) are located at each end of the corresponding fin. Concerning claim 11, note that the length of the air outlet is perpendicular to the direction where the fins are stacked.

Concerning claim 12, note that the length of the air outlet is parallel to the length of the fins. The casing further comprises a cover plate 16 and a base 1 such that the air inlet 16a is formed on the cover plate, the air outlet 18 is formed by combining the inner wall of the cover plate and the base and the fins 10-14 are joined to the cover plate via pillar members 7-9. Concerning claim 3, which recites that the first protruding sections are formed by bending a cut portion of the fins relative to an uncut portion of the fins, this is a product-by-process claim. Concerning claim 8, which recites that the second protruding sections are formed by bending a cut portion of the fins relative to an uncut portion of the fins, this is a product-by-process claim. Even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product-by-process claim does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process. *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985).

However, Miyahara does not disclose that the narrow slots have a width smaller than 1 mm (claim 1), and does not disclose that the narrow slots each have a width between about 0.8 to 1 mm (claim 10).

Lin (figures 2-4) shows a fan module comprising a housing 30 having an air outlet 33, with plural fins 20 fitted inside the air outlet to divide the air outlet into a plurality of narrow slots, with each of the slots having a width smaller than 1 mm, for the purpose of preventing alien articles from entering into the housing through the narrow slots.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to form the fan module of Miyahara such that the narrow slots have a width smaller than 1 mm, as taught by Lin, for the purpose of preventing alien articles into the housing through the narrow slots.

The recitation of the specific slot width in claim 10 being between about 0.8 to 1 mm is a matter of choice in design. Lin teaches that the slot width is smaller than 1 mm, for the purpose of preventing alien articles from entering into the housing through the narrow slots. Due to the fact that Lin teaches that the slot widths are less than 1 mm, which is considered to be a very small value, it would have been further obvious at the time the invention was made to a person having ordinary skill in the art to select the size of the slot width in the modified fan of Miyahara to be a specific value, such as in the range of between about 0.8 to 1 mm, for the purpose of

Art Unit: 3745

preventing alien articles of specific smaller sizes from entering into the housing through the narrow slots.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Verdier whose telephone number is (571) 272-4824. The examiner can normally be reached on Monday-Friday from 10:00-6:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward K. Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 3745

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

C.V.  
June 23, 2006



Christopher Verdier  
Primary Examiner  
Art Unit 3745